

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

GREENFIELD UNION SCHOOL
DISTRICT, MONTEREY COUNTY
OFFICE OF EDUCATION, KING CITY
UNIFIED SCHOOL DISTRICT AND
SOLEDAD UNIFIED SCHOOL DISTRICT

OAH CASE NO. 2013070957

ORDER GRANTING MOTION TO
AMEND COMPLAINT AND
DEEMING MOOT SOLEDAD'S
MOTION TO BE DISMISSED AS A
PARTY FROM THE ORIGINAL
COMPLAINT

On July 23, 2013, Student filed with the Office of Administrative Hearings (OAH) a Due Process Hearing Request (complaint), naming Greenfield Unified School District (Greenfield), Monterey County Office of Education (MCOE), King City Unified School District (King City) and Soledad Unified School District (Soledad).

On August 21, 2013, Student filed a motion for reconsideration of OAH's order dismissing MCOE as a party to the original complaint. That motion will be addressed in a separate order by the judge who ruled on the original motion. Soledad filed a motion to be dismissed as a party from the original complaint, which, as discussed below, is moot as a result of this order.

On August 23, 2013, Student timely filed an Amended Complaint naming the same for parties as in the original complaint. Student's filing will be deemed a Motion to Amend. The Districts did not oppose the motion to amend.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).)¹ The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

¹ All statutory citations are to Title 20 United States Code unless otherwise indicated.

The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

Soledad's Motion to Dismiss is moot because it pertains to the original complaint, and OAH will therefore not rule on that motion.

IT IS SO ORDERED.

Dated: September 3, 2013

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings